should be enforced by suit at the instance of the receivers, after disposing of all other assets of the insolvent bank.

Sunday Travel—Injury to Passenger—Liability of Carrier.—Horton et ux. v. *Norwalk Tramway Co.*, 33 Atl. Rep. 914 (Ct.). Plaintiff was injured while riding for pleasure on Sunday, and defendants claimed that only nominal damages could be recovered as the injury arose in the performance of an illegal contract, but the Court held that the general statutes of the State construed with the later public acts, did not prohibit Sunday travel to such an extent as to exempt carrier from liability for injury to passenger.

Eminent Domain—Measure of Damages for Street—Easement.—In re opening One Hundred and Sixteenth street, 37 N. Y. Sup. 508. On a question as to whether the correct principle was adopted in making award to property owners of a full value of land taken for street purposes subject to no easement public or private, it was held that the measure of damages to the owner of the fee for land taken for such purposes, which is subject to an easement, is its value subject to the easement.

Limitation of Actions—Personal Privilege.—Lewis v. *Buckley*, 19 Southern Reporter, 197 (Miss.). The appellant, while testifying in the court below, said, referring to the statute of limitations: "I never pleaded it in any case before and I do not plead it in this case." The court held that he had clearly withdrawn the defence; that no consideration was required for the withdrawal of a plea of this kind, and that the issue could not be further considered.

Insolvent National Bank—Distribution of Assets.—Davis v. *Elmira Sav. Bank*, 16 Supreme Court Rep. 502. By this decision the rule long adhered to in New York State giving banks a preference in the distribution of assets of an insolvent bank is held to be in conflict with the Federal Statute requiring the assets of an insolvent national bank to be distributed ratably among the creditors.

Notice—Indictment for Selling Intoxicating Liquor—Local Option Law.—Lowery v. *State*, 34 S. W. Rep. 956 (Tex.). Where a county passed local option laws, and a person was charged with selling liquor by an indictment which simply set up the fact that he had sold and given away liquor unlawfully, such indictment was held fatally defective, as the courts cannot notice judicially

the fact that the people of a county have passed a vote declaring local option.

Negligence—Liability of Owner of Falling Building.—Steppe v. *Alter et al.*, 19 South Rep. 147 (La.). The owner of a building damaged by fire is not excused from repairing it by the fact that the insurance company had elected to do so. As between himself and the public he owes the duty of keeping his premises in a safe condition and the law does not permit him to shift this responsibility to a third party.

Custom Duties—Instruments of Trade.—United States v. *Magnon*, 71 Fed. Rep. 293 (N. Y.). A snake charmer who brings snakes into this country purely for purposes of exhibition where she handles and turns them around her body is not obliged to pay duty under the provision, "All other live animals not specially provided for," but they are rather "instruments with which she practices her profession, and are her professional instruments," and hence free of duty under paragraph 686, Rev. Statutes.

Young Men's Christian Association—Liability for Negligence.—Chapin v. *Holyoke Y. M. C. A.*, 42 N. E. Rep. 1130. In this case, which was an action for damages resulting from the falling of a floor upon the plaintiff while she was at the laying of a corner stone to the Holyoke Y. M. C. A. building, the court held that the purposes of the Y. M. C. A. were social as well as charitable, since they provided theatrical and athletic entertainments for the peculiar benefit of their members, and hence were not exempted as purely charitable institutions are, from liability for negligence in construction of a floor whereby a visitor was injured .